

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ,  
Plaintiff

v.

MICHAEL MALONEY, et al.,  
Defendants

**DEFENDANTS' SUPPLEMENTAL OPPOSITION TO THE PLAINTIFF'S  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS (REQUESTS NOS. 10  
AND 11)**

Now come the defendants, and oppose the plaintiff's motion to compel the production of documents pursuant to the plaintiff's Request For Production of Documents, Requests numbered 5, 10 and 11. As grounds, the defendants state that the motion to compel is moot. They have provided their responses to these requests within thirty days of the Court's March 6, 2007 order.<sup>1</sup> See Exhibit A, attached.

For the foregoing reasons, the defendants request that the plaintiff's motion to compel on Requests Nos. 5, 10, and 11, be denied.

Respectfully submitted,

The defendants,  
By their attorneys,

Dated: March 27, 2007

NANCY ANKERS WHITE  
Special Assistant Attorney General

/s/ Margaret Melville  
Margaret Melville  
BBO #477970

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<sup>1</sup> Undersigned counsel mistakenly omitted the defendants' original responses to the plaintiff's requests Nos. 10 and 11, because of her failure to catch a computer problem that erroneously pasted the responses to a document in another case, and not because of an intent by defendants not to respond to these requests. The responses are being provided today in the Supplemental Response.

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Department of Correction  
Legal Office  
70 Franklin Street, Suite 600  
Boston, MA 02110  
617-727-3300 ext. 149  
msmelville@doc.state.ma.us

**CERTIFICATE OF SERVICE**

I, Margaret Melville, certify that on this day, I have served the plaintiff *pro se* in the above-entitled action with a true and accurate copy of the foregoing and Certificate of Service at his addresses of record, by First Class Mail, postage prepaid.

March 27, 2007

/s/ Margaret Melville  
Margaret Melville

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ,  
Plaintiff

v.

MICHAEL MALONEY, et al.,  
Defendants

**DEFENDANTS'  
SUPPLEMENTAL RESPONSE TO THE PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS**

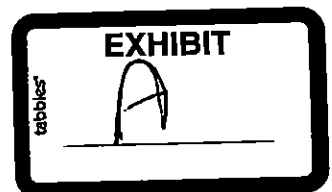
Now come the defendants, and supplement their responses to the plaintiff's request for production of documents, Nos. 5, 10, and 11, as ordered by the Court, as follows.

**SPECIFIC OBJECTIONS AND RESPONSES**

Subject to the previously raised objections and without waiving them, and without conceding that any documents are properly discoverable in the above-captioned action, relevant to the subject matter involved in the above-captioned action, or admissible as evidence, Defendants respond as follows:

**Request 5**

Copy of inventory list of items removed from the plaintiff's cell during and after this extraction.



**Response 5**

There are no inventory lists responsive to this request for the time period “during” the extraction. For the inventory sheet “after” the extraction, see attached. There are no other documents responsive to the plaintiff’s request in the possession, custody, or control of the defendant.

**Request 10**

Copy of all defendants’ complete personal/professional file [sic] in regards to them being disciplined, reprimanded, and/or investigated for past allegations of abuse upon inmates and for the incident. (Please include results)

**Response 10**

The defendants object to this request on the ground that the plaintiff, a state prison inmate serving state prison sentences for Armed Robbery, Use of Body Armor in Committing a Felony, Assault and Battery with a Dangerous Weapon, who previously served time for firearms convictions, and a commitment to Bridgewater State Hospital, and currently having a prospective discharge date of November 11, 2007, is seeking personal information on public safety employees in violation of G.L. c. 4, §7 clause 26. Without waiving this objection, the defendants respond that no records responsive to this request exist.

**Request 11**

Copy of the results of internal investigation done in regards to this incident, which was ordered by presentment coordinator Susan Gaeta from the Attorney General’s Office on June 7, 2004.

**Response 11**

No investigation was ever ordered as described in this request and no documents responsive to this request exist.

Respectfully submitted,

The defendants,  
By their attorneys,

Dated: March 27, 2007

NANCY ANKERS WHITE  
Special Assistant Attorney General

/s/ Margaret Melville  
Margaret Melville  
BBO #477970  
Department of Correction  
Legal Office  
70 Franklin Street, Suite 600  
Boston, MA 02110  
617-727-3300 ext. 149  
msmelville@doc.state.ma.us

**CERTIFICATE OF SERVICE**

I, Margaret Melville, certify that on this day, I have served the plaintiff *pro se* in the above-entitled action with a true and accurate copy of the foregoing and Certificate of Service at his addresses of record, by First Class Mail, postage prepaid.

March 27, 2007

/s/ Margaret Melville  
Margaret Melville

103 DOC 403 INMATE PROPERTY

403-7

## PROPERTY INVENTORY

INMATE BAEZ, MICHAEL NUMBER W69027

APPLIANCES/ACCESSORIES	SEAL #	SERIAL #	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" /No Speakers*					Trousers (5)		
1 AM/FM Radio *					Shirts (5)		
1 Fan 12" *					Underwear (10)		
1 Musical Instrument					T-Shirts (10)		
1 Typewriter					Socks (10)		
1 Walkman *					Sweatshirts (2)		
1 Hot Pot *					Sweatpants (2)		
2 Headphones *					Hats (2)		
Extension Cord					Gloves (2)		
<b>JEWELRY</b>					Gym Shorts (2)		
1 Watch					Pajamas (2)		
1 Wedding Band					Bathrobes (1)		
1 Religious Medal					Coat (2)		
1 Medical Alert Medal					Thermal Top (2)	1	
Earring (Females Only)					Thermal Bottoms (2)		
					Sweaters (2)		
<b>MISCELLANEOUS</b>					Handkerchiefs (5)		
1 Mirror 5"					Shoes		
Stationery					Sneakers (Brand)		
Stamps					Slippers/Shower Shoes		
10 Pens/Pencils					Boots		
Weight Belt					Belts (2) Buckles		
Weight Gloves							
10 Books/Magazines/Newspapers **					<b>PRE-RELEASE ONLY</b>		
3 Tobacco Pipes					1 Alarm Clock (Min/PR)		
Cigarettes/Cigars (30 Total)					2 Suit, Tie, Sport Coat		
1 Lighter *					1 Bathing Suit		
Letters/Photos/Newsclippings					1 Hair Dryer Hand Held		
Legal Documents					5 Work Uniforms		
3 Games, Table Type					1 Bicycle/Bicycle Lock		
15 Toilet Articles					1 Umbrella		
1 Combination Lock *							
1 Eyeglasses/Sunglasses							
Hearing Aid/Orthopedic Aid							
Prosthesis Aid							
Sewing Kit							
1 Billfold							
1 Cup							
1 Bowl							
SENDING INST. <u>SBCL</u>				REC. INST. <u>WALPOL</u>			
DATE: <u>8/12-06</u>				DATE:			
OFFICER: <u>DT Raymond</u>				OFFICER:			
INMATE:				INMATE:			

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team

\* CANTEEN PURCHASE ONLY EXCEPT IN PRE-RELEASE

\*\* 10 MAX DOES NOT INCLUDE BOOKS FOR TEMPORARY USE IN EDUCATIONAL PROGRAMS

103 DOC 403 INMATE PROPERTY

403-7

## PROPERTY INVENTORY

INMATE

BAEZ, MICHAEL

NUMBER

W 69027

APPLIANCES/ACCESSORIES	SEAL #	SERIAL #	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" /No Speakers*					Trousers (5)		
1 AM/FM Radio *					Shirts (5)		
1 Fan 12" *					Underwear (10)		
1 Musical Instrument					T-Shirts (10)		
1 Typewriter					Socks (10)		
1 Walkman *					Sweatshirts (2)		
1 Hot Pot *					Sweatpants (2)		
2 Headphones *					Hats (2)		
Extension Cord					Gloves (2)		
<b>JEWELRY</b>					Gym Shorts (2)		
1 Watch					Pajamas (2)		
1 Wedding Band					Bathrobes (1)		
1 Religious Medal					Coat (2)		
1 Medical Alert Medal					Thermal Top (2)	/	
Earring (Females Only)					Thermal Bottoms (2)		
					Sweaters (2)		
<b>MISCELLANEOUS</b>					Handkerchiefs (5)		
1 Mirror 5x7			/		Shoes		
Stationery					Sneakers (Brand)		
Stamps					Slippers/Shower Shoes		
10 Pens/Pencils					Boots		
Weight Belt					Belts (2) Buckles		
Weight Gloves							
10 Books/Magazines/Newspapers **					<b>PRE-RELEASE ONLY</b>		
3 Tobacco Pipes					1 Alarm Clock (Min/PR)		
Cigarettes/Cigars (30 Total)					2 Suit, Tie, Sport Coat		
1 Lighter *					1 Bathing Suit		
1 Letters/Photos/Newsclippings					1 Hair Dryer Hand Held		
Legal Documents					5 Work Uniforms		
3 Games, Table Type					1 Bicycle/Bicycle Lock		
15 Toilet Articles					1 Umbrella		
1 Combination Lock *							
1 Eyeglasses/Sunglasses							
Hearing Aid/Orthopedic Aid							
Prosthesis Aid							
Sewing Kit							
1 Billfold							
1 Cup							
1 Bowl							
SENDING INST. <u>SBCL</u>					REC. INST. <u>WALPOLL</u>		
DATE: <u>8/12-02</u>					DATE:		
OFFICER: <u>DT (signature)</u>					OFFICER:		
INMATE:					INMATE:		

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team

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## 103 DOC 403 INMATE PROPERTY

403-7

## PROPERTY INVENTORY

INMATE: Baez, Michael NUMBER: W69027

APPLIANCE / ACCESSORIES	SEAL #	SERIAL #	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" w/No Speakers *					Trousers (5)		
1 AM / FM Radio *					Shirts (5)		
1 Fan 12" *					Underwear (10)		
1 Musical Instrument					T-Shirts (10)		
1 Typewriter					Socks (10)		
1 Walkman *					Sweatshirts (2)		
1 Hot Pot *					Sweatpants (2)		
2 Headphones *					Hats (2)		
Extension Cord					Gloves (2)		
					Gym Shorts (2)		
<b>JEWELRY</b>					Pajamas (2)		
1 Watch					Bathrobe (1)		
1 Wedding Band					Coats (2)		
1 Religious Medal					Thermal Tops (2)	1	
1 Medical Alert Medal					Thermal Bottoms (2)		
Earrings (Females Only)					Sweaters (2)		
					Handkerchiefs (5)		
<b>MISCELLANEOUS</b>					Shoes		
1 Mirror, 5x7			1		Sneakers (Brand)		
Stationery					Slippers / Shower Shoes		
Stamps					Boots		
10 Pens / Pencils			2		Belts w/Buckles (2)		
Weight Belt							
Weight Gloves					<b>PRE-RELEASE ONLY</b>		
10 Books / Magazines / Newspapers **			2		1 Alarm Clock (Min. / PR)		
Letters / Photos / Newsclippings			1		2 Suits, Ties, Sport Coats		
Legal Documents					1 Bathing Suit		
3 Games, Table Type					1 Hair Dryer, Hand Held		
15 Toilet Articles					5 Work Uniforms		
1 Combination Lock *					1 Bicycle w/Bicycle Lock		
1 Eyeglasses / Sunglasses					1 Umbrella		
Hearing Aid / Orthopedic Aid					COMP SOAP DISH	1	
Prosthesis Aid							
Sewing Kit							
1 Billfold							
1 Cup							
1 Bowl <u>W/LID</u>			1				
SENDING INST. <u>SBCC</u>	RECEIVING INST. <u>C-J</u>						
DATE:	DATE: <u>8-16-02</u>						
OFFICER:	OFFICER: <u>RIC</u>						
INMATE:	INMATE:						

White - Property

Green - Sending Institution

Canary - Inmate

Pink - Receiving Institution

Gold - Unit Team

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103 DOC 403 INMATE PROPERTY

403-7

## PROPERTY INVENTORY

INMATE

BAEZ, MICHAEL

NUMBER

W69027

APPLIANCES/ACCESSORIES	SEAL #	SERIAL #	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" /No Speakers*					Trousers (5)		
1 AM/FM Radio *					Shirts (5)		
1 Fan 12" *					Underwear (10)		
1 Musical Instrument					T-Shirts (10)		
1 Typewriter					Socks (10)	1	
1 Walkman *					Sweatshirts (2)		
1 Hot Pot *					Sweatpants (2)		
2 Headphones *					Hats (2)		
Extension Cord					Gloves (2)		
<b>JEWELRY</b>					Gym Shorts (2)		
1 Watch					Pajamas (2)		
1 Wedding Band					Bathrobes (1)		
1 Religious Medal					Coat (2)		
1 Medical Alert Medal					Thermal Top (2)		
Earring (Females Only)					Thermal Bottoms (2)		
					Sweaters (2)		
<b>MISCELLANEOUS</b>					Handkerchiefs (5)		
1 Mirror 5x7					Shoes		
Stationery					Sneakers (Brand)		
Stamps					Slippers/Shower Shoes		
10 Pens/Pencils					Boots		
Weight Belt					Belts (2) Buckles		
Weight Gloves							
10 Books/Magazines/Newspapers **			✓		<b>PRE-RELEASE ONLY</b>		
3 Tobacco Pipes					1 Alarm Clock (Min/PR)		
Cigarettes/Cigars (30 Total)					2 Suit, Tie, Sport Coat		
1 Lighter *					1 Bathing Suit		
Letters/Photos/Newsclippings			✓		1 Hair Dryer Hand Held		
Legal Documents			✓		5 Work Uniforms		
3 Games Table Type					1 Bicycle/Bicycle Lock		
15 Toilet Articles			✓		1 Umbrella		
1 Combination Lock *					AAA BATTERIES	11	
1 Eyeglasses/Sunglasses							
Hearing Aid/Orthopedic Aid							
Prosthesis Aid							
Sewing Kit							
1 Billfold							
1 Cup							
1 Bowl							
SENDING INST. <u>CBCC</u>					REC. INST. <u>WALPOLE</u>		
DATE: <u>8-26-02</u>					DATE:		
OFFICER: <u>Sgt Bando</u>					OFFICER:		
INMATE:					INMATE:		

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team

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